

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LYXON CHERY,

Petitioner,

17 CIVIL 157 (PKC) (DF)

-against-

**JUDGMENT**

ROBERT F. CUNNINGHAM,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated December 21, 2020, the ultimate conclusion of the R&R is adopted, and the petition pursuant to 28U.S.C. § 2254, is DENIED; judgment is entered for the respondent, and the case is closed. Chery has not made a substantial showing of the denial of a constitutional right and, accordingly, a certificate of appealability will not issue. 28 U.S.C. § 2253; see Blackman v. Ercole, 661 F.3d 161, 163-64 (2d Cir. 2011). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and in forma pauperis status is denied.

**DATED:** New York, New York  
December 21, 2020

**RUBY J. KRAJICK**

BY:

Clerk of Court

David J. Lounsbury

Deputy Clerk